

*Speaks with CNO and Secretary of the Navy; Continues to Insist on Full Accountability throughout Chain of Command. Abusive Incidents had involved gay sailor*

January 13, 2010

Washington, DC – Today, Congressman Joe Sestak (PA-07), a former 3-star Navy Admiral, was briefed by Chief of Naval Operations (CNO) Gary Roughead regarding the Navy's most recent actions to address hate crime abuses committed against Petty Officer Third Class Joseph Rocha in a Bahrain dog handling unit and why appropriate action was not taken following the initial inquiry into the matter two years ago. Rocha was later discharged under Don't Ask Don't Tell, but had been abused earlier because of superiors' belief that he was gay.

The discussion with the CNO followed Congressman Sestak's efforts since August to address the abuse. He first wrote Secretary of the Navy Mabus calling for a full review of the case and in October was informed by the Secretary and CNO that the review had led to the forced retirement of the Chief Petty Officer who led the abuse in the Bahrain unit. However, Congressman Sestak-- concerned that accountability lay within the chain of command-- called for an expanded investigation to include senior officers. Today, CNO Roughead informed Congressman Sestak that an expanded review found fault in the actions of those senior officers and that action had been taken for failure in command responsibility.

"I believe that when there is responsibility, that there is also accountability and not only at the junior level," said Congressman Sestak. "That is why I insisted that there needed to be a full investigation upward through the chain of command. Only with the display of real accountability, will the men and women serving believe in their leadership."

"I applaud the CNO's decision to expand his investigation to include the chain of command that did not overrule their subordinate commanders of inappropriate actions for those implicated of

wrongdoing. After reading the investigation reporting 97 documented incidents of abuse there was absolutely no way anyone could accept that the administrative actions – and non-actions taken in two of the cases – by commanders should not have been overruled by the chain of command, which had sent them the investigation's recommendations to be dealt with 'as appropriate.' However, the junior commanders did not deal with the investigation's recommendations 'appropriately,' and as permitted by the legal system, the senior commander who had sent the report's recommendations to be followed up on by others, should have overruled the inadequate accountability, particularly since the actions involved abusive behavior beyond the bounds of good order and discipline."

Specifically, today, the CNO informed Congressman Sestak that the following action had been taken:

- The 3 star Admiral who failed to act on the initial 2007 investigation-- which first identified the abuse-- has received a personal "letter of counseling" from the Chief of Naval Operations. The CNO noted that the Admiral identified the need for action in Petty Officer Rocha's case, but failed to follow through and hold his subordinates accountable;
- The CNO has issued a personal directive (P4) to all Navy Admirals directing attentive and accountable action in cases that resemble Petty Officer Third Class Rocha's abuse;
- The Commanding Officer of the Bahrain unit has been issued a "letter of counseling" for failing to ask questions when presented with situations that did not resemble good order and discipline; and
- The eight members of Petty Officer Rocha's unit will receive a direct counseling by the Admiral in charge of their command.

"I strongly believe that the abuses reported do not at all reflect the institution of the Navy, and I believe that using this case as an example— as the CNO has done in his 'personal directive' to all Navy Admirals and will also address it in front of all flag officers in an upcoming conference --

we will support better transparency and accountability in future cases. We will never tolerate-- whether in the Navy, other branches of the military, or other public institutions-- the lack of accountability that occurred in the case of those who committed outrageous behavior, including crimes, or those who did not ensure appropriate punishment for the abuses. If these abuses -- which are not, I am certain, reflective of the Navy as a whole -- were permitted to pass without full accountability, that speaks most strongly to our current and prospective sailors and their families."

In addition to today's announcement, the following actions had been previously announced following Congressman's Sestak's efforts:

- Michael Toussaint -- the Chief Petty Officer who was in charge of the Bahrain unit at the time and was subsequently promoted to Senior Chief Petty Officer (SCPO)-- has had his request to extend his enlistment vacated, forcing him to retire.
- The CNO is convening a paygrade determination board to review the paygrade at which SCPO Toussaint will retire. The advisory board--which will meet by February 4, 2010, will present its recommendation to the Secretary of the Navy who personally will make the final decision. This has significant financial implications for SCPO Toussaint.
- SCPO Toussaint has been removed from his current command and placed in an administrative position without leadership until removal from service and the paygrade determination is made by early next year.
- The CNO has directed that the Naval Criminal Investigative Service (NCIS) conduct additional interviews with other officers stationed in Bahrain at the time of the incidents in question to assess further questions of the leadership in that region when the abuses occurred.

*Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security*

*Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. Congress.*

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